

Draft to Clerk:  
Approved:  
Clerk:

---

**MINUTES OF THE REGULAR MEETING  
BOARD OF ZONING APPEALS  
January 11, 2007 7:30 P.M.  
CITY COUNCIL CHAMBERS, 10<sup>TH</sup> FLOOR CITY HALL**

---

**I. ROLL CALL**

The meeting was called to order by Chairman Burgess at 7:30 p.m. Chairman Burgess read the BZA introduction. Roll call was taken.

**Present:**

B. Burgess  
F. Lain

E. Horne  
A. Frederick

M. Mayberry  
G. Hilts

G. Swix

B. McGrain

**Absent:**

None

**Staff:**

S. Stachowiak

A. A quorum of five members was present, allowing voting action to be taken at the meeting.

**II APPROVAL OF AGEND**

E. Horne moved, seconded by B. McGrain to approve the agenda as printed.

On a voice vote, the motion carried 8-0.

**III. HEARINGS/ACTION**

**A. BZA-3894.06, 3027 Aurelius Road**

This is a variance request by Steve Harvey for a variance from the height requirement for a front yard fence. The applicant has constructed a six (6) foot high, wood privacy fence in his front yard. Section 1292.03(a)(1) of the Zoning Code states that no fence shall exceed a height of three (3) feet within a front yard. Therefore, a variance of three (3) feet to the height limit for a front yard fence is being requested. Staff recommended approval of the request on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application, with the condition that the fence does not extend any closer to Aurelius Road than the deck/porch on the front of the house.

**Steve Harvey, 3027 Aurelius Road**, spoke in support of his request. He stated that he would like to keep the fence in it's current location, but would comply with the decision of the Board. Mr. Harvey said that he did not realize that living on a corner lot meant that he had two front yards. He stated that he needs an area for his young daughter to play and he does

not have a back yard at all.

Mr. McGrain asked if the deck on the front of the house was constructed with proper permits.

Ms. Stachowiak stated that it was.

Mr. Burgess stated that the side yard contains a large deck, thereby taking up most of the room that could be legally enclosed with a privacy fence.

Mr. McGrain asked who constructed the fence.

Mr. Harvey stated that he had a carpenter build the fence. He said that the carpenter does not normally build fences.

Mr. Burgess asked if anyone else wished to address the Board. Seeing none, the Board moved into the Committee of the Whole.

Mr. Frederick asked about the width of the front porch.

Ms. Stachowiak stated that she did not know how wide the porch is but that the fence would have to be moved back approximately 11-12 feet to bring it into compliance with her recommendation.

Mr. Swix asked about the possibility of widening Aurelius Road and whether the fence will interfere with any future plans to do so.

Mr. Frederick stated that Aurelius Road is not likely to be widened. He said that widening the road would increase the speed of traffic and would meet with a lot of opposition from the neighbors in the area.

Mr. Lain stated that he could support the variance, to allow the fence in its current location, based upon the practical difficulty of not having a back yard, or even much side yard in which to legally construct a privacy fence.

Mr. Frederick stated that he could support a variance, if the fence is moved even with the front of the porch, as recommended by staff. He stated that he would like to know the dimensions of the porch so that the motion for approval can specify exactly what is being approved.

Mr. Burgess stated that the motion could be conditioned upon receiving this information so that the applicant does not have to come back to the board.

Ms. Stachowiak stated that she would meet with the applicant to obtain this information, write a letter confirming the approval with the property dimensions and provide a copy to the board members.

Ms. Horne stated that she could support a variance as long as the fence is moved back, even with the front of the porch. She stated that privacy fences in front yards change the appearance of the corridors on which they are located and she would like to make sure that the impact of the fence is minimized.

A. Frederick moved to approve BZA-3894.06, a variance of 3 feet to the height limitation for a front yard fence at 3027 Aurelius Road, with the condition that the fence does not project any closer to Aurelius Road than the front of the porch, on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application. Seconded by G. Hilts.

VOTE	YEA	NAY
Swix	X	
Mayberry	X	
Horne	X	
Hilts	X	
Lain	X	
McGrain	X	
Frederick	X	
Burgess	X	

Motion carried, 8-0, BZA-3894.06, was approved.

F. Lain made a motion, seconded by A. Frederick to give the applicant six months from this date to bring the compliance with the approved variance. On a voice vote, the motion carried unanimously, 8-0.

**VI. OLD BUSINESS**

A. Rules of Procedure - No action

B. BZA-3817.04, 1014 S. Pennsylvania Avenue - No action

**VII. PUBLIC COMMENT - None**

**VIII. APPROVAL OF MINUTES**

A. Minutes of Regular Meeting held November 9, 2006

A. Frederick moved, seconded by B. McGrain to approve the minutes of November 9, 2006, as printed. On a voice vote, the motion carried unanimously, 8-0.

**IX. NEW BUSINESS**

**A. 2007 Meeting Schedule**

A. Frederick moved, seconded by F. Lain to approve the 2007 meeting schedule as printed. On a voice vote, the motion carried unanimously, 8-0.

**X. ADJOURNMENT AT 7:55 p.m.**

Respectfully submitted,

---

Susan Stachowiak, Zoning Administrator